

# Wisconsin Department of Regulation & Licensing

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## PHARMACY EXAMINING BOARD

### INFORMATION REGARDING LICENSURE OF AN OUT-OF-STATE PHARMACY

- No pharmacy that is in another state may ship, mail, or otherwise deliver a prescribed drug or device to persons in Wisconsin unless the pharmacy is licensed in Wisconsin. (§ 450.065, Stats.)
- An out-of-state pharmacy that applies for a license is not required to comply with Wisconsin law relating to the professional service area of a pharmacy or the minimum equipment requirements for a pharmacy.
- A pharmacist employed in an out-of-state pharmacy is not required to be licensed in Wisconsin.
- A licensed out-of-state pharmacy is not required to be under the control of a managing pharmacist licensed in Wisconsin.
- A licensed out-of-state pharmacy shall provide a telephone number that allows a person in Wisconsin to contact the pharmacy during the pharmacy's regular hours of business and that is available for use by a person in Wisconsin for not less than 40 hours per week.
- The label of all prescription drug containers shipped, mailed or otherwise delivered to a person in Wisconsin must bear the telephone number of the out-of-state pharmacy.

### INSTRUCTION TO APPLICANT FOR LICENSURE OF A PHARMACY

#### **A COMPLETED APPLICATION MUST BE ON FILE AT LEAST 30 DAYS PRIOR TO PROPOSED OPENING DATE.**

To license a **NEW PHARMACY** with the Pharmacy Examining Board, complete the enclosed "Application for the Licensure of an Out-of-State Pharmacy" (Form #2737), making sure to provide all information requested.

To re-license a pharmacy because of a **CHANGE OF OWNERSHIP** or **LOCATION CHANGE**, complete the enclosed "Application for the Licensure of an Out-of-State Pharmacy" (Form #2737), making sure to provide all information requested.

## Wisconsin Department of Regulation & Licensing

Section 450.06(3), Stats., requires that a new pharmacy license be obtained following a change of ownership.<sup>1</sup> The following chart sets forth when a change of ownership is deemed to have occurred or not occurred. Following the issuance of a new license, that new licensee must also renew that new license at the next required renewal date, regardless of when that new license was issued.

OWNER	TRANSACTION	CHANGE OF OWNERSHIP?
Individual	Sells pharmacy to another	YES
Individual	“Incorporates” him or herself and there are no other shareholders	NO [only a change in business <u>form</u> of owner]
Individual	Incorporates and adds shareholders other than self, or goes into partnership with other(s)	YES
Partnership	Sells pharmacy to another	YES
Partnership	Members of partnership change <u>and</u> dissolves; e.g., individual(s) leaves	YES
Partnership	Members of partnership change, but partners vote not to dissolve unanimously or by partnership agreement	NO
Partnership	Partnership decides to incorporate itself	NO [again, only a change business <u>form</u> —as long as no shareholders added who were not partners before]
Corporation <sup>2</sup>	Change in shareholders (including sale of all stock)	NO [Corporation owns pharmacy—not shareholders]
Corporation	Sells all assets (as opposed to stock)	YES [One asset being sold is pharmacy; corporation no longer owns it after asset sale]
Corporation	Becomes a subsidiary or division of another corporation	NO [Corporation still owns pharmacy, regardless of who owns corporation]
Corporation	Merges into/or consolidates with another corporation <u>and</u> loses corporate “identity”	YES

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<sup>1</sup> §450.06(3), Stats., provides in relevant part as follows:

No pharmacy may be opened or kept open for practice following a change of ownership . . . unless the pharmacy is licensed for the new owner . . . notwithstanding any remaining period of validity under the pharmacy’s license under the previous owner . . .

<sup>2</sup> Limited Liability Companies created under Ch. 183, Stats., are the same as Corporations for change of ownership.